

**REMARKS**

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-9 are now present in the application. Claim 9 has been added. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

**Claim Rejections Under 35 U.S.C. §§ 102 & 103**

Claims 1 and 7 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Hicks, U.S. Patent Application Publication No. 2004/0259541. Claims 2, 6 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks in view of Tsirtsis, U.S. Patent No. 6,954,442, and Ohtani, U.S. Patent Application Publication No. US 2003/0157936. These rejections are respectfully traversed.

Independent claim 1 recites a combination of elements including “[a] wireless communications system comprising at least one wireless communication terminal and a wireless communication server, wherein the wireless communications system is able to be connected to at least two kinds of wireless communication networks simultaneously, two of the wireless communication networks are to work as a basic access network and a wireless access network, respectively; the basic access network is able to deal with data communications in addition to signaling communication, and the wireless access network deals with only data communications; and when the wireless communication terminal detects communication trouble in the wireless access network, to which the wireless communication terminal is currently connecting, the wireless communication terminal searches a new wireless communication network available, and the wireless communication terminal temporary uses the currently-connecting basic access

network for data communications in addition to signaling communication until the new wireless communication network is designated as a new wireless access network.”

Applicants respectfully submit that the above combination of elements as set forth in amended independent claim 1 is not disclosed nor suggested by the references relied on by the Examiner.

In particular, the Examiner referred to the regulated wireless network 112 of Hicks as the basic access network and referred to the unregulated wireless network 110 of Hicks as the wireless access network of the claimed invention. The Examiner also alleged that Hicks in paragraph [0084] teach “the wireless access network deals with only data communications” as recited in claim 1. Applicants respectfully disagree.

In particular, Hicks in paragraph [0084], [0085], [0088] and [0089] discloses:

[0084] Having described a system architecture and operating environment for the dual mode telephone 106 described above with reference to FIGS. 1, 2 and 3, FIGS. 7A and 7B are flow diagrams illustrating an example operation of the dual mode telephone 106 according to embodiments of the present invention. The method of accessing voice and data services via the dual mode handset 106 described below is by way of example only and is not restrictive of other methods for accessing the wired data network via the dual mode handset 106. Other general methods for accessing the wired data network are described above. The operation 700 begins at block 702 where a user operates the dual mode telephone 106 device via the regulated wireless network 112 and engages in an in-progress telephone call. As should be appreciated, the telephone call may be operated through any suitable regulated wireless network 112 including a global system for mobile communications (GSM)/general packet radio service (GPRS) wireless communications environment. At block 704, the user engaged in an in-progress telephone, as described above, enter an area equipped for unregulated/unlicensed wireless connectivity. As described above, the user may have entered into her home, a business, a school, a leisure activity center, and the like that has been equipped with wireless access points for allowing communications over an unregulated wireless network 110 through a wire data network via voice over Internet protocol communication. According to an embodiment of the present invention, the dual mode telephone 106 contains hard-wired or software instructions sufficient to detect the availability of the

alternate connectivity source in the form of the unregulated wireless network 110 via the wireless access points. That is, signaling detected by the telephone 106 from the unregulated wireless network 110 allows the telephone 106 to know that the unregulated wireless network 112 is available for use by the telephone 106.

[0085] At block 706, the wireless access point detects the handset device entering the wireless network from the MAC broadcast by the handset device. At block 708, the MAC address is obtained from the broadcast and an IP address is assigned to the handset having the MAC address. Depending upon the connectivity of the wireless access point to the wired data network, the IP address may be assigned at a local router or may be assigned at a remote router of the wired data network.

....  
[0088] At block 714, FIG. 7B, the in-progress call automatically switches from the mobile wireless mode via the regulated wireless network 112 to the cordless wired mode through the wireless access points into the unregulated wireless network 110 for voice over Internet protocol communications through the wired data network 114. At block 716, the user may now complete the in-progress call and send and receive subsequent calls via the cordless wired mode through the unregulated wireless network 110. Advantageously, if the building in which the user is operating receives poor transmission quality to and from the regulated wireless network 112, the user receives a better calling experience once the dual mode telephone 106 is transitioned from the mobile wireless mode to the cordless wired mode, as described below.

[0089] At block 718, the user may now utilize a wide range of Internet protocol-based services owing to the availability of data services available through the transmission over an Internet protocol through the wired data network 114. For example, as described above, the user may utilize web-based user administration for administering the user's call services. The user may obtain and utilize a variety on-line services such as on-line telephone directories and personalized voice mail. The user may also utilize other electronic devices besides the telephone 106, such as the computer 107, which is illustrative of a laptop computer, a desktop computer, a personal digital assistant, or other computing device where the user may obtain digital services via the unregulated wireless network 110 or the user may obtain voice over Internet protocol voice services by equipping the computing device 107 with an earpiece and microphone to access the same voice and data services that the user may access the dual mode telephone 106. (Emphasis added).

In other words, the unregulated wireless network 110 (referred to by the Examiner as the wireless access network) deals with not only data communications (e.g., voice over Internet

protocol communications and/or digital services via the unregulated wireless network 110) but also signaling communications (e.g., *signaling* detected by the telephone 106 from the unregulated wireless network 110 allows the telephone 106 to know that the unregulated wireless network 112 is available for use by the telephone 106). In fact, after the telephone 116 switches to the cordless wired mode through the wireless access points into the unregulated wireless network 110, all communications (including signaling and data communications) will be handled by the unregulated wireless network 110. Therefore, the unregulated wireless network 110 also deals with signaling communications in order to operate in the cordless wired mode.

Unlike Hicks, in the claimed invention, the wireless access network deals with only the data communications, not signaling communications. The signaling communications in the claimed invention is handled by the basic access network. Therefore, Hicks fails to teach “the wireless access network deals with only data communications” as recited in claim 1.

With regard to the Examiner’s reliance on the secondary references, these references also fail to disclose the above combination of elements as set forth in amended independent claim 1. Accordingly, these references fail to cure the deficiencies of Hicks.

Accordingly, none of the references utilized by the Examiner individually or in combination teach or suggest the limitations of amended independent claim 1 or its dependent claims. Therefore, Applicants respectfully submit that claim 1 or its dependent claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

**Additional Claims**

Claim 9 has been added for the Examiner's consideration. Applicants respectfully submit that claim 9 is allowable due to its dependence on independent claim 1, as well as due to the additional recitations included in this claim. Favorable consideration and allowance of claim 9 are respectfully requested.

**Additional Cited References**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

**CONCLUSION**

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Cheng-Kang (Greg) Hsu, Registration No. 61,007 at (703) 205-8000 in the Washington, D.C. area.

Application No.: 10/579,732  
Amendment dated August 3, 2010  
Reply to Office Action of June 10, 2010

Docket No.: 4035-0179PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: August 3, 2010

Respectfully submitted,

By   
Paul C. Lewis  
Registration No.: 43,368  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

